



THE ATTORNEY GENERAL OF TEXAS

Grover Sellers

AUSTIN 11, TEXAS

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ATTORNEY GENERAL

Honorable James M. Crane
District Attorney
9th Judicial District
Conroe, Texas

Opinion No. 0-6489

Re: Requirements under Sec. 2,
Senate Bill No. 44, 49th Legis-
lature, as to eligibility of appli-
cants for appointment as Veterans
County Service Officer or Assist-
ant Veterans County Service Of-
ficer.

Dear Sir:

We are in receipt of your recent communication request-
ing an opinion from this department on the above stated matter. We quote
from your letter as follows:

"I am writing to you for an interpretation of the
County Service Office Bill, 'Senate Bill No. 44', passed
by the present Legislature.

"Section 2 of said Bill reads as follows:

"Such Veterans County Service Officer and/or
Assistant Veterans County Service Officer shall, if so
appointed, serve for the remainder of the current county
fiscal year during which they are appointed and thereafter
shall be appointed for and serve for a term of two years,
unless sooner removed for cause by the appointing authori-
ty. Such Veterans County Service Officer and such Assist-
ant Veterans County Service Officer shall be qualified by
education and training for the duties of such office. They
shall be experienced in the law, regulations and rulings of
the United States Veterans Administration controlling cases
before them, and shall themselves have served in the active,
military, naval or other armed forces or nurses corps of
the United States during the Spanish American War, World
War I or World War II, for a period of at least 4 months,
and have been honorably discharged from such services.
Such persons shall have had at least two years' experience
as a Service Officer in a nationally recognized veterans or-
ganization engaged in service work to veterans, as defined
by the United States Veterans Administration, either as a
Post, State, Department, or National Service Officer, which

shall be evidenced by a statement of qualifications filed by the individual seeking appointment, with the County Commissioners Court, upon forms supplied by the Veterans State Service Officer of the State of Texas, which shall be certified to by the State Commander of the veterans organization to which such applicant shall belong, or shall have had one year's experience as a County Service Officer or Assistant County Service Officer, or shall have been given a certificate by the Veterans State Service Officer, who is hereby authorized to prescribe the training and qualifications required for the issuance of such certificate. A statement showing that applicant possesses one or more of the above qualifications, accompanied by supporting certificate, shall be filed with the County Commissioners Court at or before the time said appointments are made, and the filing thereof shall be a condition precedent to such appointment.

"Would an applicant for the position of Veterans County Service Officer or Assistant Veterans County Service Officer be qualified to serve in either of these positions who possessed the following qualifications:

"1. Volunteered for military service during the Spanish American War and rejected because he was under weight.

"2. Was accepted into the military service two weeks after the conclusion of the Spanish American War and served three years in the regular army of the United States, two yrs. in Philippines.

"3. Honorably discharged from the military service.

"4. Is now receiving a Veteran's pension.

"5. Has served as a member of the Local Selective Service Board for approximately $4\frac{1}{2}$ years.

"Although this Section sets forth that an applicant for these positions must have served in the active military naval or other armed forces of the United States during the Spanish American War, World War I, or World War II, for a period of at least 4 months, the Section further sets forth that the applicant may receive a certificate by the Veterans State Service Officer who is authorized to prescribe the training and qualifications required for the issuance of such certificate.

"Kindly state whether or not an applicant who possesses the above qualifications would be eligible to serve in either of the aforementioned positions, provided he could furnish satisfactory evidence of his competency to the Veterans State Service Officer."

After carefully considering all of the provisions of Section 2 of Senate Bill No. 44, passed by the 49th Legislature of Texas, it is our opinion that said Section prescribes three general requirements as to eligibility for appointment to the position of Veterans County Service Officer or Assistant Veterans County Service Officer, namely: (1) training and experience, (2) service in the armed forces of the United States during specific periods and for a specified length of time, and (3) honorable discharge from such service.

We think that a reasonable construction of the language in the last sentence of Section 2 of said Act, "A statement showing that applicant possesses one or more of the above qualifications, accompanied by supporting certificate, shall be filed with the county commissioners' court. . .", would indicate that "above qualification" refer to those qualifications as to experience and training outlined in the preceding sentence of said Section. Thus, it is our opinion that the applicant may comply with the prerequisites as to training for the duties of the office, or experience in the law and rulings in the United States Veterans Administration controlling cases coming before them, by filing with the Commissioners' Court a statement, accompanied by supporting certificate, showing that said applicant possesses one or more of the following qualifications with respect to experience and training:

(1) " . . . At least two years experience as a service officer in a nationally recognized veterans organization engaged in service work to veterans, as defined by the United States Veterans Administration, either as Post, State, Department, or National Service Officer, which shall be evidenced by statement of qualifications filed by the individual seeking appointment, with the county commissioners' court, upon forms supplied by the Veterans State Service Officer of the State of Texas, which shall be certified to by the State Commander of the Veterans Organization to which said applicant shall belong,"

(2) "One year's experience as a county service officer or assistant county service officer,"

(3) " . . . Shall have been given a certificate by the Veterans State Service Officer, who is hereby authorized to prescribe the training and qualifications required for the issuance of such certificate."

Hon. James M. Crane, page 4 (0-6489)

As to the requirements concerning military service and honorable discharge, we find the following language:

"They . . . shall themselves have served in the active military, naval or other armed forces or nurses corps of the United States during the Spanish American War, World War I or World War II, for a period of at least four months, and have been honorably discharged from such services."

It is our opinion that the instant Act requires that an applicant not only possess one or more of the prerequisites as to training and experience but, in addition, he must have the required service in the armed forces during the prescribed periods of time and for the minimum length of service. Also, he must have been honorably discharged from such service.

In view of the foregoing and in view of the facts submitted, it is our opinion that an applicant, although possessing all of the qualifications outlined in your letter, but who has not served in the active military, naval or armed forces during the Spanish American War, World War I, or World War II for a period of at least four months, would not be eligible for the position of Veterans County Service Officer or Assistant Veterans County Service Officer.

We trust that the foregoing fully answers your inquiries.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By /s/ J. A. Ellis
J. A. Ellis
Assistant

JAE:LJ/cm

APPROVED MAR 31, 1945

/s/ Carlos C. Ashley
FIRST ASSISTANT
ATTORNEY GENERAL

APPROVED
Opinion
Committee

By /s/ BWB
Chairman